



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Odidi et al	Group Art Unit: 1617
Serial No.: 09/166,701	Examiner: Webman, E.
Filing Date: October 5, 1998	
For: <i>Controlled Release Pharmaceutical Delivery Device and Process For Preparation Thereof</i>	Attorney Docket No.: SMI-005.01

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
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Certificate of First Class Mailing	
I hereby certify that the foregoing document is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below:	
<u>November 6, 2003</u> Date of Signature and Mail Deposit	By: <u><i>Shirine Darvish</i></u> Shirine Darvish

**NOTICE OF APPEAL TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Appeals and Interferences from the decision dated June 6, 2003 finally rejecting Claims 1, 4, 7-12, 23, 28-33.

The item(s) checked below are appropriate:

1. [XX] A check for \$330.00 to cover the Appeal fee [X] is enclosed or [] is to be charged to Deposit Account No. 06-1448.
2. [XX] A Petition for Extension of Time to further extend the period for response is enclosed.
3. [XX] A check for \$ 420.00 to cover the extension fee is enclosed.

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The Commissioner is hereby authorized to charge any deficient fees or credit any overpayment to our Deposit Account No. 06-1448.

Respectfully submitted,

By: Michael J. DiVerdi
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Dated: November 6, 2003